

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JACOB IVAN SCHMITT,

Petitioner,

V.

ERIC JACKSON.

## Respondent.

CASE NO. 3:18-cv-05602-BHS-JRC

**ORDER GRANTING MOTION TO  
CONTINUE STAY**

The District Court has referred this petition for a writ of habeas corpus filed under 28 U.S.C. § 2254 to United States Magistrate Judge J. Richard Creatura. *See* Dkt. 3. The authority for the referral is 28 U.S.C. §§ 636(b)(1)(A) and (B) and local Magistrate Judge Rules 3 and 4.

Petitioner filed this petition in July 2018. *See* Dkt. 1. This Court subsequently granted multiple motions to stay this matter on the basis that petitioner is exhausting his state court remedies. *See* Dkts. 16, 18, 20, 24, 25, 29. In the most recent status report, respondent again requests a stay as petitioner’s state court matter will be pending for the foreseeable future. *See* Dkt. 30. Petitioner has filed no objection.

1        This Court may stay consideration of a habeas petition to allow a petitioner to exhaust his  
2 remedies in state court before returning to federal court. *See Rhines v. Weber*, 544 U.S. 69, 274–  
3 79 (2005). Because petitioner is still exhausting his state court remedies, the undersigned finds  
4 good cause to grant respondent's request. Therefore, it is ORDERED:

5              (1) Respondent's motion to continue the stay (Dkt. 30) is granted, and the stay in this  
6 matter is extended to **June 28, 2022**. Respondent shall file a report advising the Court of the  
7 status of petitioner's state court relief and, if necessary, a motion to extend the stay on or before  
8 **June 2, 2022**.

9              (2) Should the state court terminate review of petitioner's state court filing, either  
10 petitioner or respondent shall inform the Court and request that the stay be lifted within 30 days  
11 of the state court's decision.

12              (3) The Clerk shall note the deadlines set by this Order on the docket for this matter.

13              Dated this 22nd day of December, 2021.



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15              J. Richard Creatura  
16              Chief United States Magistrate Judge  
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